UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,740	10/30/2001	Gregory C. Kime	42390P12158	5450

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EXAMINER
STRANGE, AARON N

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/016,740	KIME ET AL.
		Examiner	Art Unit
		Aaron Strange	2153

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 March 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>31-60</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>31-60</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>3/4/2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>02112002</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-30 were canceled and new claims 31-60 were added in a preliminary

amendment, filed on 2/28/2002. Claims 31-60 are currently pending.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 37 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention.

4.   With regard to claim 37, the limitation "receiving the validation key with the URL"

is unclear. The specification, as originally filed, fails to provide support for "receiving the

validation key with the URL". It is noted that paragraph 35 of the specification refers to

receiving the keys prior to making a request. However, no mention of receiving the

validation keys "with the URL", or language to support such an operation, is disclosed.

5.   Claim 38 is rejected by virtue of its dependency from claim 37.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-36,39-41,44-51,54, and 58-60 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Rajasekharan et al. (US 6,480,961) in view of Xie et al. (US

6,606,393).

8.   With regard to claim 31, Rajasekharan discloses a method for validating a data

stream comprising: generating a validation key associated with the data stream (source

indicator), said validation key to map the data stream with a source (Col 5, Lines 28-38);

generating the data stream (data stream is sent)(Col 4, Lines 51-55); storing the

validation key (authorization data is stored at server)(Col 4, Lines 8-12); and sending

the validation key (authorization data is sent to client)(Col 4, Line 6) and data stream

(Col 4, Lines 51-55) to a destination (client). Rajasekharan fails to disclose embedding

the validation key in the data stream to form a validation key embedded data stream.

Xie discloses several methods of authenticating digital messages that are old

and well known in the art. Xie further discloses that embedding validation information

within the digital stream is advantageous since removal of embedded information may

destroy or alter the content. This provides better security that sending the validation

data outside of the data stream (Col 1, Lines 27-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to embed the validation key in the data stream to form a validation key embedded data stream since it would have provided enhanced security since embedded validation keys would be much more difficult to remove from the data stream without corrupting it, ensuring that the source could be validated.

9.   With regard to claim 32, Rajasekharan further discloses that the source is any one of a source of audio information, video information, audio-video information and a uniform resource locator (URL) (Col 4, Lines 1-2).

10.   With regard to claim 33, Rajasekharan further discloses that generating the validation key associated with the data stream comprises generating the validation key in response to a request for data to be retrieved from the uniform resource locator. Since the source of the validation key is a server computer accessed via the Internet (Col 4, Lines 6-9), it must be accessed via a URL prior to sending the authorization data to the client.

11.   With regard to claim 34, Rajasekharan further discloses that generating the validation key associated with the data stream, said validation key to map the data stream with a source, comprises: generating the validation key (Col 5, Lines 28-38) and sending the validation key to the destination (Col 4, Line 6).

12.   With regard to claim 35, Rajasekharan further discloses that the data stream

comprises any one of encoded video information, encoded audio information, encoded

audio-video information, and encoded information from the URL (Col 4, Lines 1-2).

13.   With regard to claim 36, Rajasekharan further discloses receiving the validation

key at the destination (Col 4, Line 6); sampling the validation key embedded data

stream at the destination to detect the validation key; and validating the validation key

embedded data stream in response to detecting the validation key in the validation key

embedded data stream (validation key is detected and checked) (Col 4, Lines 24-28).

14.   With regard to claim 39, Rajasekharan discloses receiving a validation key

associated with the data stream (Col 4, Line 4), said validation key to map the data

stream with a source (Col 5, Lines 28-38); receiving the data stream (Col 4, Lines 51-

52); detecting the validation key and validating the data stream in response to detecting

the validation key (key is detected and checked)(Col 4, Lines 24-28). The validation key

must be stored since the client receives it and analyzes it. Rajasekharan fails to

disclose that the validation key is embedded in the data stream.

Xie discloses several methods of authenticating digital messages that are old

and well known in the art. Xie further discloses that embedding validation information

within the digital stream is advantageous since removal of embedded information may

destroy or alter the content. This provides better security that sending the validation

data outside of the data stream (Col 1, Lines 27-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to embed the validation key in the data stream since it

would have provided enhanced security since embedded validation keys would be

much more difficult to remove from the data stream without corrupting it, ensuring that

the source could be validated.

15.   With regard to claim 40, Rajasekharan further discloses that the source is any

one of a source of audio information, a source of video information, a source of audio-

video information and a uniform resource locator (URL) (Col 4, Lines 1-2).

16.   With regard to claim 41, Rajasekharan further discloses requesting data to be

retrieved from the uniform resource locator (URL). Since the source of the validation key

is a server computer accessed via the Internet (Col 4, Lines 6-9), it must be accessed

via a URL prior to sending the authorization data to the client.

17.   Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rajasekharan et al. (US 6,480,961) in view of Xie et al. (US 6,606,393) in further

view of Krishnan et al. (US 6,073,124).

18.   With regard to claim 37 while the system disclosed by Rajasekharan in view of

Xie shows substantial features of the claimed invention (discussed above), it fails to

disclose receiving the validation key at the destination comprises receiving the

validation key with the URL.

Krishnan teaches receiving a validation key for a particular piece of data prior to

receiving the data to be validated, and subsequently comparing it to a validation key in

the received data (Col 16, Lines 43-67). If the keys do not match, an error has occurred

and the system attempts to get the data again (Col 16, Lines 55-59). This would have

been an advantageous addition to the system disclosed by Rajasekharan in view of Xie

since it would have allowed the users to validate the incoming data based on the

validation keys embedded in it, and request the data again if it is invalid.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to provide the validation keys to the client at the same time

as the URL of the file so they can validate the file as it is downloaded and determine if

an error has occurred when getting the file.

19.   With regard to claim 38, Rajasekharan further discloses requesting data to be

retrieved from the URL. Since the source of the data is a server computer accessed via

the Internet (Col 4, Lines 6-9), it must be accessed via a URL prior to sending the data

stream to the client.

20.   Claims 42,43,52,53, and 55-57 are rejected under 35 U.S.C. 103(a) as being

unpatentable Rajasekharan et al. (US 6,480,961) in view of Xie et al. (US 6,606,393) in

further view of Willis, Jr. et al. (US 6,738,815).

21.   With regard to claims 42,43,52,53 and 55, while the system disclosed by

Rajasekharan in view of Xie shows substantial features of the claimed invention

(discussed above), it fails to disclose generating an error if the validation key is not

detected in the data stream or writing the error to a log file. Rajasekharan does disclose

checking the validation key to determine is the source is an authorized source (Col 4,

Lines 24-28). Xie discloses that removing embedded validation keys may destroy or at

least damage the underlying data (Xie, Col 1, Lines 36-36)

Willis, Jr. teaches the creation of a log file at a client and writing errors to the log

file when they occur (Col 6, Lines 44-50). This would have been an advantageous

addition to the system disclosed by Rajasekharan in view of Xie since generating an

error and storing it in a log file would have allowed the server, client, and/or users to be

notified that the validation key was not found, and that the data may be invalid.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to generate an error and write it to a log file if the validation

data is not detected in the data stream. This would have allowed the server, client,

and/or users to be notified that the validation keys were not found and that the data may

be invalid.

22.   With regard to claims 56 and 57, Willis, Jr. further discloses communicating the

error to the server (sent in log file) and sending the log file to the server (Col 6, Lines

44-50).

23.   Claims 44-48 are rejected for the same reasons cited above regarding claims

31,32,35,34, and 33, respectively, since they recite substantially identical subject

matter. A bus, processor, and memory containing instructions are inherent components

of both the server and client devices since they are computers.

24.   Claims 49-51 are rejected for the same reasons cited above regarding claims

36,40, and 38, respectively, since they recite substantially identical subject matter. A

bus, processor, and memory containing instructions are inherent components of both

the server and client devices since they are computers.

25.   Claim 54 is rejected for the same reasons as claims 31 and 39, since they recite

substantially identical subject matter. A bus, processor, and memory containing

instructions are inherent components of both the server and client devices since they

are computers.

26.   Claims 58-60 are rejected for the same reasons cited above regarding claims

31,34, and 35, respectively, since they recite substantially identical subject matter. A

machine-readable medium containing instructions to perform the methods is inherent in

the system disclosed by Rajasekharan since the system is implemented using

computers.

Conclusion

27.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

28.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Aaron Strange whose telephone number is 571-272-

3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ANS 2/4/2005

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